

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ELMO SHROPSHIRE, INDIVIDUALLY AND AS A  
MEMBER OF “ELMO & PATSY”; On Behalf Of  
Himself And All Others Similarly Situated,

Plaintiff,

-against-

SONY MUSIC ENTERTAINMENT, a Delaware  
General Partnership,

Defendant.

06 Civ. 3252 (GBD) (KNF)

**ECF CASE**

“THE YOUNGBLOODS” (Perry Miller p/k/a Jesse  
Colin Young; Lowell Levinger; Jerry Corbitt; Mina  
Bauer, the widow of Joe Bauer; and manager Stuart  
Kutchins), On Behalf Of Itself And All Others Similarly  
Situated,

Plaintiff,

vs.

BMG MUSIC,

Defendant.

07 Civ. 2394 (GBD) (KNF)

**ECF CASE**

**UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION  
SETTLEMENTS**

In connection with the Court’s conference set for March 9, 2012, pursuant to Rule  
23 of the Federal Rules of Civil Procedure:

1. Plaintiff Elmo Shropshire in *Shropshire v. Sony Music Entertainment*, 06 Civ. 3252 (GBD) (KNF) (the “*SME Action*”), on behalf of himself and the Class, by and through his attorneys, Caplan & Ross, LLP, Milberg LLP, and Probststein, Weiner & Butler, and
2. Plaintiff The Youngbloods in *Youngbloods v. BMG Music*, 07 Civ. 2394 (GBD) (KNF) (the “*BMG Action*”), on behalf of itself and the Class, by and through its attorneys, Caplan & Ross, LLP, Law Offices of Thomas A. Cohen, and Milberg LLP

respectfully move this Court for an Order in each Action:

- (a) Preliminarily and conditionally certifying a class in each Action for the purposes of settlement;
- (b) Preliminarily approving the terms of the settlement set forth in each Action's respective Stipulation and Agreement of Settlement (collectively, the "Stipulations");
- (c) Establishing a date for a hearing to determine the fairness, reasonableness, and adequacy of the settlement set forth in each Stipulation; and
- (d) Providing for notice to Class Members of the hearing on the proposed settlement and dismissal of each Action.

The Stipulations are intended to fully and finally settle the instant class actions, subject to final Court approval. The purpose of this motion is to obtain preliminary court approval of the Stipulations and the forms of notice of the proposed settlement to be disseminated to Class Members. The terms of the settlements are set forth in full in the Stipulations, which together with each of the exhibits to which they refer, are presented contemporaneously with this motion, as is a declaration of Brian Caplan. Preliminary approval of the settlements, and the submission of the settlements to the Class Members, is warranted because in each Action the "proposed settlement is fair, reasonable, and adequate," and "the interests of the class are better served by the settlement than by further litigation." *Manual for Complex Litigation, Fourth* § 21.61 at 309 (2004).

No party opposes this motion.

Plaintiffs therefore respectfully request that the Court enter in each Action the proposed Preliminary Order for Notice and Hearing In Connection With Settlement Proceedings.

In connection with the preliminary approval of the Settlements, the Court must set a date for hearings to consider whether the Settlements should be approved as being fair, reasonable, and adequate; dates for mailing the Notice and Claim Form; and deadlines for objecting to the Settlements, opting out of the Classes, submitting a Claim Form, and filing papers in support of the Settlements and responding to any objections. In order to achieve the most effective notice, the Parties have agreed that the Notice and Claim Form should be mailed to potential Class Members with their semiannual royalty statements. For most potential Class Members, the next such statement will be mailed within the next few weeks. The parties therefore propose two alternative schedules: a preferred schedule, in the event that the Court enters the proposed Orders at or very shortly following the conference currently scheduled for March 9, 2012, and an alternative schedule in the event that the Court enters the proposed Orders after March 15, 2012, in which case the Notice and Claim Form cannot be included with the royalty statements being mailed this month:

Date the Court enters the Proposed Orders	On or before <b>March 15, 2012</b>	After <b>March 15, 2012</b> and on or before <b>September 12, 2012</b>
Deadline for SME to cause the Notice and the Claim Form to be mailed to all royalty recipients (Order, ¶ 11)	On or before <b>April 6, 2012</b>	On or before <b>September 30, 2012</b>
Deadline for SME to cause the Publication Notice to appear in <i>Billboard</i> magazine (Order, ¶ 13)	On or before May 6, 2012	On or before October 30, 2012

Deadline for Class Members to Submit Claim Forms for Past and Prospective Settlement Relief (Stipulation, ¶ 11(a))	Not later than <b>July 5, 2012</b> or 45 days from such Class Members' receipt of contracts from SME pursuant to a timely request for copies of such contracts as provided for in the Claim Form	Not later than <b>December 29, 2012</b> or 45 days from such Class Members' receipt of contracts from SME pursuant to a timely request for copies of such contracts as provided for in the Claim Form
Deadline for requesting exclusion from the Class (Order, ¶ 17)	On or before <b>July 5, 2012</b>	On or before <b>December 29, 2012</b>
Deadline for Class Counsel to submit their papers in support of final approval of the Settlement, the proposed Plan of Allocation, and their application for attorneys' fees and expenses and a service award for Plaintiff (Order, ¶ 18)	On or before <b>June 14, 2012</b>	On or before <b>December 8, 2012</b>
Deadline for filing and serving objections to the Settlement, the proposed plan of allocation or Class Counsel's application for an award of attorneys' fees and expenses and a service award for Plaintiff (Order, ¶ 19)	On or before <b>July 5, 2012</b>	On or before <b>December 29, 2012</b>
Deadline for Class Counsel to submit their papers in response to any objections (Order, ¶ 20)	On or before <b>September 20, 2012</b>	On or before <b>March 18, 2013</b>
Settlement Hearing (Order, ¶ 5)	At the Court's convenience, on or after <b>October 4, 2012</b>	At the Court's convenience, on or after <b>April 1, 2013</b>

Plaintiffs respectfully request that the Court preliminarily approve the Settlements and enter each proposed Preliminary Order for Notice and Hearing In Connection With Settlement Proceedings with the recommended notice schedule.

Dated: New York, New York  
March 7, 2012

Respectfully submitted,

/s/ Brian D. Caplan

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***Counsel for Plaintiffs & the Proposed  
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